

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ARTIS F. POWER

PLAINTIFF

V.

CIVIL ACTION NO.: 4:13-cv-173-NBB-JMV

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

This matter is before the court on plaintiff's motion for preliminary injunction [3]. However, the motion itself – aside from its title – does not purport to seek injunctive relief. Instead, it is a re-hash of the apparently unrelated facts giving rise to the plaintiff's complaint. Further, while the memo in support of the motion does make – albeit exceedingly vague – reference to concerns for his own safety, “unfair punishment,” and a desire to be transferred to another prison, the court finds these generic allegations fall hopelessly short of adequately asserting entitlement to preliminary injunctive relief.

Inmates have neither a protected property or liberty interest to any particular housing assignment or custodial classification, either under the United States Constitution or under Mississippi law. *Neals v. Norwood*, 59 F.3d 530, 533 (5th Cir. 1995); *Wilson v. Budney*, 976 F.2d 957, 958 (5th Cir. 1992); *McCord v. Maggio*, 910 F.2d 1248, 1250 (5th Cir. 1990); *Hewitt v. Helms*, 459 U.S. 460, 468 (1983); *Meachum v. Fano*, 427 U.S. 215, 224 (1976)(citations omitted); MISS. CODE ANN. §§ 47-5-99 to -103 (1993). Prisoner classification is a matter squarely within the “broad discretion” of prison officials, “free from judicial intervention” except in extreme circumstances. *McCord*, 910 F.2d at 1250 (citations omitted). In the instant case, plaintiff has made no showing that his is such a case. Indeed, though plaintiff asserts he is concerned for his safety, he offers not the first detail in support of such contention. Accordingly,

the motion for preliminary injunction is hereby **DENIED**.

SO ORDERED, this the 4th day of March, 2014.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE